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Letter dated 1 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lesotho submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 30 November 2009 from the Permanent Mission of Lesotho to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Kingdom of Lesotho to the United Nations presents its compliments to the secretariat of the Counter-Terrorism Committee and has the honour to forward the report of Lesotho pursuant to Security Council resolutions 1373 (2001) and 1624 (2005) (see enclosure).

Enclosure

Letter dated 24 September 2009 from the Principal Secretary for Foreign Affairs and International Relations of Lesotho addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your letter dated 7 August 2009 addressed to the Permanent Representative of Lesotho to the United Nations and also to the videoconference that was held on 14 August 2009 between a team of Lesotho Government officials and the Executive Directorate of the Counter-Terrorism Committee pertaining to Lesotho's reporting obligations under resolutions 1373 (2001) and 1624 (2005).

I have the further honour to forward the report of Lesotho under the two resolutions (see attachment) and look forward to an even more fruitful interaction between Lesotho and the Committee in future. May I also take this opportunity to request on behalf of the Government of Lesotho training for our Inter-Ministerial Committee on Terrorism. I would also appreciate training that also involves reporting under resolution 1540 (2004), together with training on drafting terrorism legislation.

(*Signed*) J. T. **Metsing**
Principal Secretary for Foreign Affairs and International Relations

Attachment

Report on the implementation by Lesotho of Security Council resolution 1624 (2005)

In September 2005, the Security Council of the United Nations adopted resolution 1624 (2005), which calls on all States, among other things, to prevent and prohibit by law incitement to commit a terrorist act. We must point out at the outset that Lesotho is currently engaged in the exercise of developing new laws that can respond adequately to the challenges posed by terrorism. In the area of tackling the financing of terrorism, an anti-money-laundering legislation is already in place.

Regarding the law dealing with incitement to commit terrorist acts, it must be noted that there are pieces of legislation, namely, the Sedition Proclamation No. 44 of 1938, the Race Relations Act No. 9 of 2005 and the Internal Security Act, that could be relevant, although they were targeted at other instances of subversive activities and not necessarily at terrorism as it manifests itself nowadays.

Any discussion of the law in Lesotho relating to incitement to commit terrorist acts must be premised on our Bill of Rights, in particular on Section 14 of the Constitution, which guarantees the right of freedom of expression. This right is also enshrined in other regional and international human rights instruments to which Lesotho is a party. Section 14 (1) of the Lesotho Constitution stipulates that every person has the right to:

> "... freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence".

As is the case with other rights, it must be pointed out that the right is not absolute and can be limited in the interests of defence, public safety, public order, public morality or public health, etc. Limitations on the right are those that can be characterized as justifiable in a democratic society (see Sections 14 (2) and 14 (3) of the Constitution).

In the terrorism legislation that Lesotho is currently developing, there is already an awareness that the salient elements in resolution 1624 (2005) and other relevant resolutions will have to be reflected. This is so as there is awareness that issues of terrorism, extremism, conflict and violence are in ascendancy in the contemporary world and afflict countries and the rest of the world. While cultural influences are among the forces that can contribute to disrespect, misunderstanding and violence, they are not the only causal factors, nor are they immutable or irresistible. Indeed, much can be done to prevent the violence that may be thrust on us by promoters of belligerent agendas. For this we need a departure from old ways of thinking about the centrality and the alleged inviolability of cultural confrontations. The focus should be put instead on understanding the mechanisms through which violence is cultivated through advocacy and recruitment, and on the pre-existing inequalities, deprivations and humiliations on which those advocacies draw.

We have to distinguish between respecting persons (including, of course, their right to hold their own views) and indiscriminately respecting every doctrine held by anyone. Respecting people does not demand accepting their points of view, and a consensus to do something jointly, given the views that different people hold, does not demand that there must be unanimity of substantive views of different people.

Respect does, however, demand trying to understand the points of view of others and why they are held and appreciating the shared interest that people of diverse groups have in cultivating common objectives and finding common ground, such as peace and well-being.

Understanding implies the ability to grasp what someone else is saying in order to get to the heart of what they are trying to communicate. To do this requires a willingness to put aside one's own preconceived notions in order to appreciate their world view. Understanding, therefore, involves the acknowledgement that one's own culture and experience are not the only models for thinking and acting.

Like respect, understanding does not necessarily involve agreement with the views or beliefs others hold. A consensus to do something jointly, therefore, given the different views that people hold, is not preconditioned by the necessity of any unanimity of view. No one or nobody should hold a veto that requires subordination of all to a single view or belief.

It is these sorts of considerations that will go into the new legislation on terrorism in Lesotho, especially the chapter relating to the law on incitement to commit terrorist acts. So far Lesotho has been spared the presence of people who preach committing terrorist acts, but it is clear that laws have to be promulgated for when that eventuality comes. As is mandated by resolution 1624 (2005), such law on incitement, besides being within the parameters of the Lesotho Constitution, will also have to be consistent with Lesotho's obligations under international law, in particular international human rights law, refugee law and humanitarian law.